



Montoya, Darlene <dmontoya@nmag.gov>

Use of Force Policy

4 messages

Lawrence Chavez <LawrenceChavez@ruidoso-nm.gov>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>
Cc: Darren Hooker <DarrenHooker@ruidoso-nm.gov>

Wed, Jan 25, 2017 at 10:12 AM

Ms. Montoya,

Good Morning, I have been assigned by Chief Darren Hooker to provide you with the current Ruidoso Police Departments policy on Use of Force and Officer Involved Shootings. Attached is our current Use of Force Policy which includes our Officer Involved Shooting protocol. This policy has not been revised since March 2, 2010. The Ruidoso Police Department is under a new administration, which took effect this month, January 2017. As the Administrative Lieutenant, I am in the process of reviewing, researching and developing new policies in order for the Ruidoso Police Department to obtain New Mexico State Recognition as outlined by the New Mexico Municipal League.

I want to take this opportunity to volunteer to be part of your subcommittee. I would like to obtain sound knowledge on these very important issues and to form a network relationship with this subcommittee and the Law Enforcement Academy Board. My goal is that the Ruidoso Police Department develops well-crafted policies and procedures to ensure these types of incidents are completed in an appropriate and thorough manner.

If you have any questions regarding any part of our policy please do not hesitate to contact me on my cell at [575-802-5180](tel:575-802-5180) or by email.

Thank You ,

Lawrence T. Chavez

Administrative Lieutenant

Badge Number 635

Ruidoso Police Department

1085 Mechem Dr.

Ruidoso N.M. 88345

Phone: [575-258-7365](tel:575-258-7365) Ext. 1121

Cell: [575-802-5180](tel:575-802-5180)

Fax: [575-258-1145](tel:575-258-1145)

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3 attachments



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Montoya, Darlene <dmontoya@nmag.gov>
To: Lawrence Chavez <LawrenceChavez@ruidoso-nm.gov>
Cc: Darren Hooker <DarrenHooker@ruidoso-nm.gov>

Wed, Jan 25, 2017 at 11:48 AM

Lieutenant Chavez:

One other thing the Subcommittee would like to know is how often officers receive training on this SOP. I will let Ms. Anderson know you are interested in being part of the Subcommittee so she may bring it to their attention.

Thank you.

[Quoted text hidden]

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Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 490-4854

Lawrence Chavez <LawrenceChavez@ruidoso-nm.gov>
To: "Montoya, Darlene" <dmontoya@nmag.gov>
Cc: Darren Hooker <DarrenHooker@ruidoso-nm.gov>

Wed, Jan 25, 2017 at 1:37 PM

Ms. Montoya,

There has NEVER been any refresher training regarding this policy. Once again we are going through a new administration re-organization and will be providing training once all our policies are in compliance. Thank you for expressing my interest in participating in the subcommittee.

Lawrence T. Chavez

Administrative Lieutenant

Badge Number 635

Ruidoso Police Department

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From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Wednesday, January 25, 2017 11:48 AM

To: Lawrence Chavez

Cc: Darren Hooker

Subject: Re: Use of Force Policy

[Quoted text hidden]

Montoya, Darlene <dmontoya@nmag.gov>

To: Lawrence Chavez <LawrenceChavez@ruidoso-nm.gov>

Cc: Darren Hooker <DarrenHooker@ruidoso-nm.gov>

Wed, Jan 25, 2017 at 1:39 PM

Thank you again. Have a great rest of the day and stay safe.

[Quoted text hidden]

RUIDOSO POLICE DEPARTMENT	ADMINISTRATION	
SUBJECT: <i>Use of Force</i>	NUMBER: <i>ADM.05.01-05.04</i>	
EFFECTIVE DATE: November 1 st , 2009	Revised 3/2/10	REVIEW DATE: June 18, 2008
AMENDS/SUPERSEDES: <i>RPD 2-6</i>		APPROVED: _____ Chief of Police
NMMLEPSC STANDARDS: <i>ADM.05.01 – ADM.05.04</i>		NMSA:

I. STATEMENT OF PURPOSE

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although law authorizes the reasonable use of force, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties, and to describe prohibited activities.

II. DEFINITIONS

- A. **Deadly Force** - Force that is intended or known by the person using the force to cause, or in the manner of its use or its intended use, is capable of causing death or serious bodily injury. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
- B. **Non-Deadly Force** - Force employed which is neither likely to nor intended to cause death or serious physical injury.
- C. **Firearms**: Any weapon from which a projectile is forcibly ejected by an explosive.
- D. **Reasonable Belief** – When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- E. **Serious Physical Injury** – A physical injury, which creates a substantial, risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- F. **Excessive Force** - Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene officer reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:
 - 1. The severity of the crime;

2. The nature and extent of the threat posed by the suspect;
3. The degree to which the suspect resists arrest or detention; and
4. Any attempts by the suspect to evade arrest by flight.

G. **Reasonable Force** - Use of the reasonable amount of force needed to achieve control over an incident or person.

In evaluating the reasonable application of force, officers must consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

III. GENERAL POLICY

- A. Reasonable force may be used by an officer in the performance of duties, when:
 1. Necessary to preserve the peace, to prevent the commission of an offense or to prevent suicide or self-inflicted injury.
 2. Making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
 3. In self-defense or defense of another against unlawful violence to a person or property.
 4. Preventing or interrupting an intrusion on or interference with the lawful possession of property.
- B. An officer may use reasonable force to overcome resistance to the lawful performance of duties, even though there is no immediate or apparent danger calling for self-defense. However, the officer must be acting within the scope of official authority. Every reasonable opportunity must be given to the person being arrested to comply. Force should be used only after all other means have failed to produce compliance.
- C. Before the application of reasonable force, officers should identify themselves as police officers and state their purpose to the offender and others present. This identification is not necessary if the officer reasonably believes his purpose and identity are already known or conditions exist which render it unfeasible to identify.
- D. There is no specific rule fitting all cases as to how much force and means may be used, each case must be decided in the light of its own facts and circumstances. Under no circumstances will the force used be greater than necessary and in no instance will deadly force be used except as stated in the Deadly Force section of this chapter.
- E. Officers will use only the force necessary to accomplish lawful objectives. Officers must exhaust every reasonable means of employing the least amount of force appropriate to the situation.

F. The Reactive Control Model (RCM) is taught in the New Mexico Law Enforcement Academy and expected to be used by officers of this Department to determine the appropriate course of action when interacting with a person(s) in a situation, which may require the use of force. (See RCM Continual)

REACTIVE CONTROL MODEL™ (RCM)*							
SUBJECT BEHAVIOR:	COOPERATIVE	NON-COOPERATIVE	UNARMED ASSAILANT	ARMED ASSAILANT			
SUBJECT'S "BEHAVIORAL" CUES: 	Submits to Directions and Custody: • COMPLIANT • RESPONSIVE • FOLLOWS DIRECTIONS	Resists Custody By: • Not Responsive to Directions • Evasive to Questions • Verbal Resistance or Body Posture • Pulling/Moving or Running Away	Resists Custody By: UNARMED THREATENING UNARMED ATTACK	Resists Custody By: ARMED THREATENING ARMED ATTACK (Deadly Assault)			
CRIMINAL ACTIVITY CUES: 	Unknown	Threat	Type of Criminal Activity Investigating	High Risk Activity			
OFFICER MENTAL CONDITION:	ALERT	CONTROL	ACTIVE	SURVIVAL			
OFFICER'S ACTIONS: P R E S E N C E	Verbal Directions • AUTHORITY • ASSESSMENT • CUSTODY DECISION • POSITIONING • PROCEDURES	Verbal Persuasion EMPTY HAND TECHNIQUES ASSESSMENT CUSTODY DECISION CLOSE DISTANCE CONTROL BY • Escort Position • Distraction Techniques • Compliance Holds • Leveraged Takedowns • Impact Takedowns • Chemical Agents	Verbal Commands SHOW FORCE Draw Baton or Other Intermediate Weapon ASSESS • Cover • Distance • Assistance • Retreat	Verbal Warnings USE FORCE Use Baton or Other Intermediate Weapon • Chemicals • Canine SHOW FORCE Draw Firearm ASSESS • Cover • Distance • Assistance • Retreat • Retreat			
SUBMITS TO CUSTODY		FORCED CUSTODY & CONTROL PROCEDURES					
* The RCM™ must be used in conjunction with instructional materials and only by an approved CJTC Instructor.							
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IV. REPORTING PROCEDURES

A. A written use of force report will be submitted whenever an employee:

1. discharges a firearm, for other than training or recreational purposes;
2. takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. applies force through the use of lethal or less-lethal weapons; or
4. uses any equipment applying force (spike system, riot gear, fire equipment etc.)

In any incident where a use of force is used, officer(s) shall document the incident in a report. The report will include a detailed description of the events leading to the necessity for the use of force; the amount and type of force used; the nature and extent of injuries, if any, and treatment rendered; identity of individuals involved and other pertinent information.

B. Non-injury Use of Force

The use of Defensive Tactics frequently achieves the desired results without injury to any parties. However, documentation of such incidents is required. This documentation will normally be sufficiently covered in any report prepared as a result of the event. This account will include all circumstances that led to the use of a tactic and its actual use. The approving supervisor will ensure that the events are presented fully, in a clear and accurate manner.

C. Personal Injury Incidents

Photographs of the injuries will be taken, if possible, and included with any reports. This applies to both officers and/or suspects.

D. Medical Aid to Injured Parties

When a person is injured because of an officer's use of force, the officer shall notify his immediate supervisor and seek medical treatment for the injured person.

E. Routing of Paperwork

Anytime an incident involves the use of force, the reports will be reviewed by a supervisor within 24 hours and then routed through the chain of command. When a supervisor believes there may have been an inappropriate use of force, he/she will provide his/her supervisor with a written explanation as to why the use of force was inappropriate.

V. LESS-LETHAL FORCE

A. Defensive Tactics

In order to provide members of this department with information, the Defensive Tactics Coordinator will schedule periodic training sessions, which enable officers to learn and exercise acceptable methods of defensive tactics. Officers may use defensive tactics that they have been trained in and are qualified to use.

B. Police ASP Baton

1. The Department issued ASP baton may be used if a suspect has escalated to using threatening statements and/or gestures and begins to close the distance on the officer or another person in a threatening manner as if to batter them.
2. The ASP baton is not designed to be used as a club or bludgeon. Strikes should target areas of the body, which may result in compliance by the suspect or allow the officer to gain control.

3. Strikes to parts of the body (head, neck, spine, groin, or clavicle) capable of inflicting death or serious bodily injury shall be avoided unless justified by the guidelines of the Deadly Force section of this chapter.

C. OC Spray

OC Spray (pepper spray) plays a distinct and viable role in the continuum of force options and gives the individual officer an alternative to hard empty hand techniques and the use of an impact weapon, ASP.

1. Use of OC Spray

- a. The OC spray may be used on a suspect who is non-cooperative and is resisting the efforts to control him by but not necessarily limited to the following actions:
 1. suspect not responsive to directions.
 2. verbal resistance or body posture
 3. pulling/moving running away
 4. aggressive movements and an escalation of resistive force.
- b. The OC spray may be used if a suspect has escalated to using threatening statements and begins to close distance on the officer or another person in a manner as if to batter them.
- c. The use of OC spray is target specific and should result in the officer's ability to gain control of the suspect.
- d. The target area will consist of the face, specifically the eyes.

2. Decontamination

- a. Decontamination begins after the suspect has been restrained with handcuffs or by other means and the suspect's resistance has ceased.
- b. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- c. Expose suspect to fresh air and flush affected area with water.

- d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses if necessary and to continue flushing the suspect with water.
- e. Once the suspect has been transported to the detention facility, the on duty detention facility personnel shall be notified that the suspect has been sprayed with OC.
- f. Under no circumstances will any creams, salves, or oils be applied to the affected area.

3. Reporting

- a. As with any use of force or application of force, a written report will be submitted detailing the use of the OC spray, decontamination procedures and the events leading to the use of the OC spray.
- b. Anytime the OC spray is used, the approving supervisor will be responsible for ensuring that a copy of the report is forwarded up the chain of command.

A. X-26 Advanced Taser

- 1. The use of the Advanced Taser constitutes a Use of Force.
- 2. The Advanced Taser is placed on the Use of Force Continuum at the Chemical Agent (OC Spray) level.
- 3. The Advanced Taser may be used from up to 21 feet away when:
 - a. The suspect is punching or kicking, or
 - b. Threatening to punch or kick, or
 - c. Lesser force options are ineffective, or
 - d. Likely to be ineffective, or
 - e. The officer reasonably believes the suspect poses a credible threat, or
 - f. The suspect poses a threat from a distance and the officer is at risk of injury if he/she attempts to close the gap.
 - g. Other considerations on deployment are:
 - (1) Imminent threat to officers and/or others.
 - (2) Suspect actively resisting arrest (detention).
 - (3) Circumstances are tense, uncertain and rapidly evolving.
 - (4) Severity of the crime at issue.
 - (5) Attempting to evade by flight.
- h. Officer/Subject factors that may be considered:

- (1) Age
- (2) Sex
- (3) Pregnancy (avoid use if possible on late term women as the Advanced Taser could cause complications from a secondary injury due to fall).
- (4) Skill level
- (5) Multiple Subjects/Officers
- (6) Relative strength

- i. Special Circumstances:
 - (1) Closeness of a weapon
 - (2) Injury or exhaustion of officer
 - (3) Officer on ground
 - (4) Distance between officer and subject
 - (5) Special knowledge
 - (6) Availability of other options.

- 4. Reporting
 - a. As with any use of force or application of force, a written report will be submitted detailing the use of the X26 Advanced Taser, procedures taken after deployment of the Taser and the events and circumstances leading up to the deployment.
 - b. Anytime the X26 Advance Taser is used, the approving supervisor will be responsible for ensuring that a copy of the report is forwarded up the chain of command.

B. 12 Gauge Bean-Bag

- 1. Beanbags are considered extended range impact projectiles that allow officers to deliver an amount of force comparable to batons.
- 2. The Bean-Bag may be used when less lethal force options have been ineffective or when it reasonably appears that such options will continue to be ineffective in subduing the subject. Examples of situations in which the Bean Bag may be used include, but are not limited, to the following:
 - a. Dealing with the mentally ill subject, who is perceived to be violent.
 - b. Armed subjects.
 - c. Warrant service where the subject is perceived to be violent.
 - d. Violent persons under the influence of drugs and/or alcohol.

- e. Persons expressing the intent and having means to commit suicide.
 - f. When deemed a reasonable alternative to lesser force options that are likely to be ineffective or greater force options that may be inappropriate to given objective circumstances.
3. Where possible, the Bean Bag operator should consult with a supervisor prior to use.
4. The Bean Bag deployment firearm should not be pointed at any individual unless the officer involved reasonably believes it will be necessary to use the device.
5. The Bean Bag shall not be used:
 - a. When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;
 - b. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
6. In less lethal force situations, when possible, officers should avoid using the Bean Bag on:
 - a. Persons in wheelchairs or in control of a vehicle;
 - b. Pregnant women;
 - c. People with known heart problems;
 - d. People with apparent debilitating illness or the elderly;
 - e. Children or those under 80 pounds;
 - f. Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy.
7. Only officers, who have successfully completed the agency's approved course of instruction on the Bean Bag, are authorized to use it in tactical situations.

UNDER NO CIRCUMSTANCE DOES A BEAN BAG GO INTO ANYTHING OTHER THAN A DESIGNATED 'ORANGE' SHOTGUN.

VI. DEADLY FORCE

A. Authorized Use of Deadly Force

1. Deadly force may be used only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury.

2. An officer may use deadly force:

When the suspect is intent on immediately endangering human life or immediately inflicting serious bodily injury unless apprehended without delay. The officer must reasonably believe that the suspect is armed or has the means to inflict death or serious bodily injury.

- a. Ability (Weapon)
- b. Opportunity (Distance)
- c. Immediate Jeopardy (Officer's life or someone else's life is in immediate jeopardy)
- d. Fleeing felons (must meet the above requirements)

3. Prohibited uses of deadly force:

- a. Officers shall not unreasonably or unnecessarily endanger themselves or the public in applying deadly force pursuant to this policy or state law.
- b. An officer shall not rely solely on third party reports as a basis for use of Deadly Force, without firsthand knowledge of an alleged offense.
- c. An officer shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
- d. In an attempt to apprehend fleeing felons or escapees who are not placing the officer or another person in immediate danger of death or immediate serious bodily injury.

4. All officers shall be provided with and be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force.

B. Warning Shots are prohibited.

VII. ADMINISTRATIVE DUTY

- A. Immediately following an officer's involvement in an incident involving serious injury or death. The Chief of Police will automatically place the officer on administrative duty pending a review. Unless the duty status is changed to a suspension status by the Chief of Police, the officer shall remain in an

administrative duty status until such time as the matter is resolved legally and administratively.

- B. Assignment to administrative duty is non-disciplinary with no loss of pay or benefits. This duty is designed to:
 - 1. Address the personal and emotional needs of the officer involved in the use of deadly force and,
 - 2. Insure the community that the facts surrounding the case are fully and professionally investigated.
- C. An officer placed on administrative duty will be assigned to office duty in civilian clothes.
- D. The officer may be placed on administrative leave instead of administrative duty at the discretion of the Chief of Police. Assignment to administrative leave is non-disciplinary with no loss of pay or benefits.
- E. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
- F. Officers on administrative duty or leave are authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty police related jobs and should not enforce laws and make arrests except in emergency situations.
- G. An officer whose action results in a deadly force incident will be required to submit to a psychological evaluation with the Department appointed counselor. The counselor must make written notification that the officer is fit for duty before the officer returns to duty.
- H. The Department will make available and reserve the right to require counseling for officers who had involvement in a deadly force incident.

VII. INCIDENTS OF FORCE REVIEW

- A. If a use of force reasonably indicates a possible violation of RPD policy or other inappropriate conduct, the immediate or any other supervisor will refer the matter directly to the Chief of Police for review.
- B. Referrals to the Chief of Police will be automatic and take place immediately anytime there is a firearm discharge (except at the firing range or in the event of putting down an animal.)

- C. The Chief of Police will be responsible for ensuring that all use of force data from all reports are regularly and accurately compiled, analyzed and reviewed.
- D. The Administrative Staff will
 - 1. Analyze use of force data on an annual, cumulative basis to detect trends;
 - 2. Have compiled in writing and review use of force incidents by officers and type of force used and
 - 3. Review the data for the purpose of identifying and acting upon their implications for policy and training designed to ensure that officers are using only appropriate types and amounts of force.

IX. TRAINING

- A. Copies of this policy will be issued to each officer, before being authorized to carry a weapon, and will be updated as needed. This issuance and instruction will be documented.